

ORIGINAL

Decision No. 82614

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
SOUTHERN PACIFIC TRANSPORTATION COMPANY
for an order authorizing the operation
of an industrial drill track at grade
across LEYVA STREET in the City of Norwalk,
State of California.

Application No. 54292

(Filed August 31, 1973)

William E. Still, Attorney at Law,
for applicant.

J. Kenneth Brown, Attorney at Law,
for the City of Norwalk; Siegel &
O'Shea, by Maurice F. O'Shea and
Samuel Siegel, Attorneys at Law,
for Majestic Realty Co.; and
Dwain A. Bidgood, for himself and
adjacent homeowners; interested
parties.

Albert A. Arellano, Jr., for the
Commission staff.

OPINION

The Southern Pacific Transportation Company, applicant, seeks authority to construct an industrial drill track at grade across Leyva Street in the city of Norwalk.

After notice as required by this Commission, a public hearing was held before Examiner Rogers in Los Angeles on November 30, 1973, and the application was submitted. There were no protests.

The proposed construction lies within an approximately 70-acre industrial area, zoned M-2, owned or controlled by the Majestic Realty Co. The industrial area is bounded on the south by Alondra Boulevard, on the east by Shoemaker Avenue, on the

west by a residential subdivision, and on the north by Excelsior Drive. The only existing development therein is a Safeway bottling plant (Exhibit 2) which is served by a spur from applicant's line of rail. The spur which is to be constructed will cross proposed Leyva Street approximately 440 feet south of the line of rail and will parallel Shoemaker Avenue 800 feet east of the rear property line of the residential area. Leyva Street will be extended south on the west side of the proposed track to allow truck service to commercial buildings to be constructed adjacent to the rear of the existing residential area and which are not on or proposed to have rail service. Trees are to be planted and a green belt established between the residential area and the commercial buildings (Exhibit 2). The proposed Leyva Street will have a 60-foot-wide right of way with 40 feet of paving permitting one lane of travel in each direction. Traffic safety at the proposed crossing is to be provided by two Standard No. 8 flashing light signals (General Order No. 75-C). The noise from the rail operations will be 800 feet from the residential area and will not be greater than at present as the proposed crossing will be further from the residences than the existing and to be retained rail lines. The truck traffic will be over 300 feet from the residential area. Visibility of the industrial development will be shielded by proposed planting and buildings. The plans for the area have been approved by the city of Norwalk.

The applicant's public projects engineer testified that the crossing will be numbered BK 501.29-C and the greatest grades will be 0.15 percent. He said no separation of grades is needed now or in the foreseeable future. A map and profile of a Los Angeles Division Engineer's Drawing No. B-5859, dated March 23, 1973, was attached to the application. For safety reasons,

clearance requirements and walkway requirements should conform to General Orders Nos. 26-D and 118, respectively. Since this is a new crossing, the cost of construction and maintenance should be borne by the applicant. Maintenance cost of the crossing outside of lines two feet outside of rails should be borne by the city of Norwalk.

The city and a resident of the residential area to the west of the development, who purported to speak for his neighbors, objected to any movement over the proposed crossing between the hours of 10:00 p.m. and 6:00 a.m.

Findings

1. The proposed industrial project has received the approval of the city of Norwalk.

2. A public need exists for the industrial park project with rail service and the railroad crossing of Leyva Street is essential to provide that service.

3. There were no public objections to the overall project, but only to the possible hours of rail service.

4. No present railroad service is required as the contemplated buildings for which service is to be provided have not been built.

5. There are no patterns of rail service established for this project yet.

6. Rail service is presently provided for the surrounding areas north of the proposed crossing on a 24-hour basis.

7. The proposed crossing protection consisting of the installation of two Standard No. 8 flashing light signals is adequate and reasonable.

8. The crossing should be assigned No. BK 501.29-C.

9. The property is zoned M-2.

10. The crossing will not interfere with vehicular traffic as the streets involved pertain only to the proposed industrial project.

11. The construction of the buildings proposed for the project will provide an almost complete buffer both for noise and visibility.

12. As each building is built, it will provide a partial shield for whatever noise is generated by rail service to that building.

13. At current and projected levels of train movements, the residents of the vicinity will not be disturbed by either sight or sound of the trains.

14. The crossing should be at grade.

15. The Commission finds with reasonable certainty that the project involved in this proceeding will not have a significant effect on the environment.

Conclusions

1. There is public need for the crossing.

2. The authority sought by this application should be granted.

3. We have jurisdiction to limit train movements over the crossing if changed circumstances so require. (Re AT&SF Ry (1972) 73 CPUC 194.)

O R D E R

IT IS ORDERED that:

1. Southern Pacific Transportation Company is authorized to construct, maintain, and operate across Leyva Street in the city of Norwalk, Los Angeles County, an industrial drill track as set forth in its application.

2. The crossing, to be identified as Crossing No. BK 501.29-C, shall be protected by the installation of two Standard No. 8 flashing light signals (General Order No. 75-C). Width of the crossing shall be no greater than 40 feet. Finished grades of approach shall be not greater than one percent. Construction shall be equal or superior to Standard No. 1 (General Order No. 72-B). Clearance, including any curbs, shall conform to General Order No. 26-D. Walkways adjacent to the crossing shall conform to General Order No. 118. No obstructions shall be placed near the crossing which will obstruct a motorist's view of the signals.

3. Applicant shall bear the entire cost of construction of the crossing, installation of automatic crossing protection, and maintenance of the crossing between lines two feet outside of rails. The city of Norwalk shall bear the maintenance cost of the crossing outside of lines two feet outside of rails.

4. Within thirty days after completion, pursuant to this order, applicant shall so advise the Commission in writing. This authorization shall expire if not exercised within two years unless time be extended or if the above conditions are not complied with. This authorization may be revoked or modified if public convenience, necessity, or safety so require.

The effective date of this order shall be twenty days after the date hereof.

Dated at San Francisco, California, this 19th
day of MARCH, 1974.

Thomas L. Moran
President
William J. Moran
John J. Moran
Thomas J. Moran
Commissioners

Commissioner Thomas Moran, being
necessarily absent, did not participate
in the disposition of this proceeding.